

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cr. No. 06-20033-STA
)	
DANIEL SCOTT OGDEN,)	
)	
Defendant.)	

**ORDER DENYING DEFENDANT’S MOTION TO ALLOW DEFENDANT TO CONFER
WITH COUNSEL AT SECURE FACILITY**

Before the Court is Defendant’s Motion to Allow Defendant to Confer With Counsel at Secure Facility (D.E. # 214) filed on March 3, 2009. The Court heard oral arguments on this and other pending motions from counsel for both parties on March 5, 2009. For the reasons discussed below, the Motion is **DENIED**.

A jury was impaneled and trial commenced in this matter on October 1, 2008. On October 6, 2008, Defendant was convicted on nine counts related to the sexual exploitation of a minor. Defendant has been granted two extensions of time in which to prepare and file post-trial motions. Defendant argues that his preparation of these motions and opportunities to confer with counsel are hampered by the fact that Defendant is currently incarcerated. Defendant cites the volume of documents involved in his case as well as the case law being researched for the preparation of his motions as other obstacles which impede his ability to confer with counsel. Defendant’s instant Motion seeks leave to meet with counsel at a secure facility where their records and research can be safely stored and Defendant can work with counsel to complete his

post-trial motions. Defendant has suggested some place within the federal building in Memphis, Tennessee. In support Defendant cites two cases from this District and the Eastern District of Missouri where the Court permitted a defendant to work with counsel at a federal building in preparation for the trial.

The United States has not filed a response brief to Defendant's motion and expressed no position on the matter during the Court's March 5 hearing.

The Court finds that Defendant's Motion is not well taken and is therefore denied. While Defendant cites support for allowing a defendant to confer with counsel prior to trial, the arrangement Defendant proposes here is not customary. The Court recognizes that incarceration presents certain hardships for this and most every Defendant in the preparation of their defense. However, Defendant was convicted of the charges against him more than five months ago. Defendant has been granted two extensions of time in which to prepare the very motions he cites as grounds for this extraordinary request. Under the circumstances, the Court finds no justification for granting Defendant the relief he now seeks. Therefore, the Motion is **DENIED**.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: March 20th, 2009.